



Memorandum # 16/2002

Commonwealth of Massachusetts | Public Employee Retirement Administration Commission

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Joseph E. Connarton, *Executive Director*

MEMORANDUM

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: Confidentiality of Medical Records

DATE: March 7, 2002

In the course of processing disability retirement applications, retirement boards often collect and retain large numbers of medical records. These medical records often consist of sensitive, personal information which must not be disclosed except as discussed below. Consequently, boards are reminded of their duty to take all efforts necessary to protect the confidentiality of all medical records. A few points to keep in mind:

- Medical records are exempt from disclosure under the state Public Records Law, G.L. c. 66, § 10 and G.L. c. 4, § 7(c). Medical records cannot be disclosed to any third party except as required by law or regulation, upon receipt of a signed release by the subject of the records or pursuant to an official order of a court of competent jurisdiction. See 840 CMR 6.00 for more information on the release of medical records.
- Medical records should be kept locked up when they are not being used.
- Boards must assure that when medical records are distributed for board use that all copies are safeguarded. All extra copies should be collected and destroyed when they are no longer needed.
- Boards should assure that board members and staff are aware that discussions of medical records and issues should only be held in secure areas. Such discussions should never occur in lobbies, elevators or other places open to the general public.
- Boards should consider requiring all board members and staff to sign a confidentiality agreement.

It is important that board members and staff are constantly vigilant in protecting the confidentiality of medical records. The Commission's Legal staff is available to discuss medical records confidentiality issues and concerns.